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Letter dated 18 July 2008 from the Permanent Representative of Cambodia to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to provide an account of facts for your attention as well as that of the other members of the United Nations Security Council in relation to Thailand's violation of the sovereignty and territorial integrity of the Kingdom of Cambodia, as follows:

- The Temple of Preah Vihear in Cambodia was inscribed unanimously into the World Heritage List during the thirty-second session of the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Committee in Quebec City, Canada, on 7 July 2008. This gave rise to intense political protests in Thailand from the opposition forces against Thailand's Government. However, in spite of this internal turmoil, Cambodia never expected that Thai soldiers would move in and stay in the Cambodian pagoda.
- On 15 July 2008, about 50 Thai soldiers crossed into Keo Sikha Kiri Svara pagoda, located inside Cambodian territory, about 300 metres from the Temple of Preah Vihear. By 16 and 17 July 2008, the number of Thai soldiers on the grounds of the pagoda had increased to 480.
- The Thai side used its unilaterally designed map (see annex I) to indicate that the pagoda is in the so-called "overlapping area". But, according to the "Annex I map" used by the International Court of Justice to adjudicate the conflict between Cambodia and Thailand over the Temple of Preah Vihear in June 1962 (see annex II), the International Court of Justice stated in its judgment on the matter that:

> "The Court however considers that Thailand in 1908-1909 did accept the Annex I map as representing the outcome of the work of delimitation, and hence recognized the line on that map as being the frontier line, the effect of which is to situate Preah Vihear in Cambodian territory. The Court considers further that, looked at as a whole, Thailand's subsequent conduct confirms and bears out her original acceptance, and that Thailand's acts on the ground do not suffice to negate this. Both Parties, by their conduct, recognized the line and thereby in effect agreed to regard it as being the frontier line" (pg. 30-31);

"The Court considers the acceptance of the Annex I map by the Parties caused the map to enter the treaty settlement and to become an integral part of it" (pg. 31); and

"The Court, therefore, feels bound, as a matter of treaty interpretation, to pronounce in favour of the line as mapped in the disputed area" (pg. 33).

- Taking into account the above decision of the International Court of Justice, the only map which legally delimits the border in the area of the Temple of Preah Vihear is the "Annex I map" (see annex II), based on which the Court made its judgment.

- At the onset of this provoking act and the increasing reinforcement of Thai soldiers on Cambodia's territory, Samdech Hun Sen, Prime Minister of the Kingdom of Cambodia, has made telephone contact with and sent written to His Excellency Samak Sundaravej, Prime Minister of Thailand, calling for actions to defuse the tension and for the immediate withdrawal of Thai troops from the grounds of the pagoda.

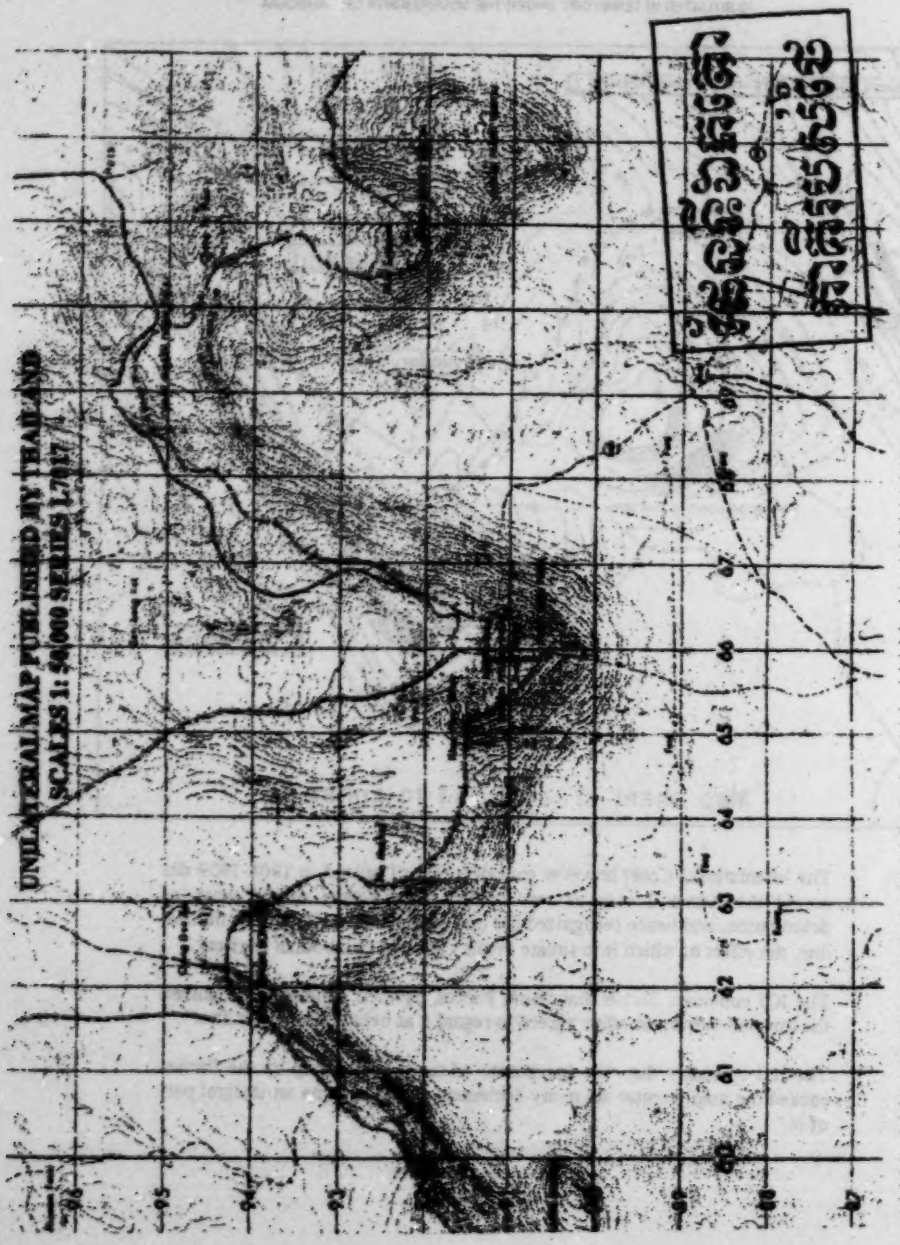
- In his reply to Samdech Hun Sen dated 18 July 2008, His Excellency Samak Sundaravej claimed, apparently based on a map unilaterally designed by the Thai Government, that the pagoda lies in the territory of the Kingdom of Thailand and that the presence of Cambodian residents and military personnel on the grounds of the pagoda is a violation of Thailand's sovereignty and territorial integrity.

- While Cambodia exercises maximum restraint to avoid armed confrontation, we cannot ignore that this Thai military provocation is aimed at creating a de facto "overlapping area" that legally does not exist on Cambodia soil.

I would like to request that the present letter and its annexes be circulated as a document of the Security Council.

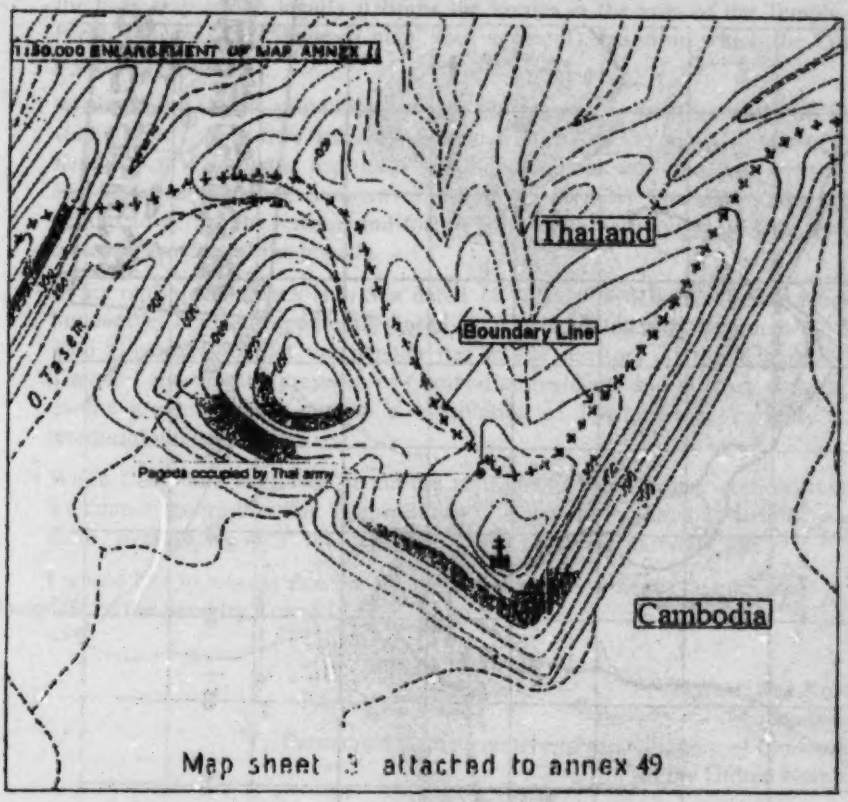
(*Signed*) **Sea** Kosal
Ambassador
Permanent Representative of the Kingdom of Cambodia
to the United Nations

Annex I to the letter dated 18 July 2008 from the Permanent Representative of Cambodia to the United Nations addressed to the President of the Security Council



Annex II to the letter dated 18 July 2008 from the Permanent Representative of Cambodia to the United Nations addressed to the President of the Security Council

MAP BASED ON WHICH ICJ DECIDED THAT THE TEMPLE OF PREAH VIHEAR IS SITUATED IN TERRITORY UNDER THE SOVEREIGNTY OF CAMBODIA



- The International Court however considers that "Thailand in 1908-1909 did accept the Annex I map as representing the outcome of the work of delimitation, and hence recognized the line on that map as being the frontier line, the effect of which is to situate Preah Vihear in Cambodian territory."

- The ICJ considers further that "Both Parties, by their conduct , recognized the line and thereby in effect agreed to regard it as being the frontier line."

- The ICJ considers that "the acceptance of the Annex I map by the Parties caused the map to enter the treaty settlement and to become an integral part of it."